

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

TYLER'S RESTAURANT, INC.
Plaintiffs

Vs.

TRAVELERS PROPPERTY
CASUALTY COMPANY OF AMERICA,
and A through Z who are
fictitious parties to be named
at a later date when their identities
become known,
Defendants

Civil Action No. 3:06cv815-VPM

**OBJECTION TO REMOVAL AND REQUEST FOR REMAND
TO THE CIRCUIT COURT OF LEE COUNTY, ALABAMA**

Now comes the Plaintiff, by and through counsel, and does point out to this Court that this action should not have been removed as Plaintiff has made a specified claim for damages in the amount of \$74,999.00; and no more. As Defendant's correctly point out, where the specified damages are \$75,000.00 or less in a diversity case, this Court does not have jurisdiction. Therefore, this matter should be remanded back to the Lee County Circuit Court where it was originally filed.

Respectfully submitted, this day: Friday, October 06, 2006.



Michael C. Fellows (FEL006)
Attorney for Plaintiff

Hand, Fellows & Associates
114 N 8th St.
Opelika, AL 36801

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the attached **OBJECTION TO REMOVAL AND REQUEST FOR REMAND TO THE CIRCUIT COURT OF**

LEE COUNTY, ALABAMA upon the following persons by means of delivery shown below and to the location designated, properly addressed and delivery charges prepaid on this the day, Friday, October 06, 2006.

Honorable Ann McMahan
Dominick, Fletcher, et al.
2121 Highland Avenue South
Birmingham, Alabama 35205

☒ U.S. Mail ☐ Facsimile ☐ Hand Delivery ☐ Overnight Delivery _____



Mike Fellows